

Renumbered 5/12/2015

10-2-116 Election of officers of new city.

- (1) For the election of city officers, the county legislative body shall:
 - (a) unless a primary election is prohibited by Subsection 20A-9-404(2), hold a primary election; and
 - (b) hold a final election.
- (2) Each election under Subsection (1) shall be:
 - (a) appropriate to the form of government chosen by the voters at the incorporation election;
 - (b) consistent with the voters' decision about whether to elect commission or council members by district and, if applicable, consistent with the boundaries of those districts as determined by the petition sponsors; and
 - (c) consistent with the sponsors' determination of the number of commission or council members to be elected and the length of their initial term.
- (3)
 - (a) Subject to Subsection (3)(b), the primary election under Subsection (1)(a) shall be held at the earliest of the next:
 - (i) regular general election under Section 20A-1-201;
 - (ii) municipal primary election under Section 20A-9-404;
 - (iii) municipal general election under Section 20A-1-202; or
 - (iv) special election under Section 20A-1-204.
 - (b) Notwithstanding Subsection (3)(a), the primary election under Subsection (1)(a) may not be held until 75 days after the incorporation election under Section 10-2-111.
- (4) The final election under Subsection (1)(b) shall be held at the next special election date under Section 20A-1-204:
 - (a) after the primary election; or
 - (b) if there is no primary election, more than 75 days after the incorporation election under Section 10-2-111.
- (5)
 - (a)
 - (i) The county clerk shall publish notice of an election under this section:
 - (A) at least once a week for two successive weeks in a newspaper of general circulation within the future city; and
 - (B) in accordance with Section 45-1-101 for two weeks.
 - (ii) The later notice under Subsection (5)(a)(i) shall be at least one day but no more than seven days before the election.
 - (b)
 - (i) In accordance with Subsection (5)(a)(i)(A), if there is no newspaper of general circulation within the future city, the county clerk shall post at least one notice of the election per 1,000 population in conspicuous places within the future city that are most likely to give notice of the election to the voters.
 - (ii) The county clerk shall post the notices under Subsection (5)(b)(i) at least seven days before each election under Subsection (1).
- (6) Until the city is incorporated, the county clerk is the election officer for all purposes in an election of officers of the city approved at an incorporation election.